UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,761	02/24/2006	Hans-Ulrich von Helmolt	6741P094	8060

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EXAMINER
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ART UNIT	PAPER NUMBER
4176	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/569,761	VON HELMOLT ET AL.
	Examiner	Art Unit
	OLUSEGUN GOYEA	4176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _February 24, 2006 (Preliminary Amdt)_ .
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-28_ is/are pending in the application.
  4a) Of the above claim(s) _none_ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-28_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _February 24, 2006_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☒ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1.   Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Drawings

2.   The drawings are objected to because **figure 2 rectangle 202 fails to show a continuity link to rectangle 204 as described in the specification, Figure 5, reference characters 502, 512, 515, 517, figure 5 (boxes 510 and 526) contains unlabeled rectangular boxes which should be provided with descriptive text labels, and figure 6 rectangle boxes 630 and 632 have the words "sup-request" and "sup- responses" instead of "sub-request" and "sub-responses" respectively.** Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

drawings for consistency. Additional replacement sheets may be necessary to show the

renumbering of the remaining figures. Each drawing sheet submitted after the filing date

of an application must be labeled in the top margin as either "Replacement Sheet" or

"New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the

examiner, the applicant will be notified and informed of any required corrective action in

the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   **Claims 1-4, 7-10, 13, and 14-19**, are rejected under 35 U.S.C. 102(b) as being

anticipated by Sudama et al (US 5,555,375 - hereinafter referred to as Sudama).

9.   Referring to **claims 1-4, 7-10, 13, 14-18 and 19**, Sudama discloses a data

processing system and method for a customer request comprising:

> receiving a request for at least one item at a central data processing
>
> system (see col. 6, lines 66-67; col. 7, lines 1- 3)

generating a plurality of sub-requests for a plurality of partner systems

where each sub-request is assigned to an internal or external system by

means of rules (see col. 7, lines 63-67, col. 9, lines 37-50)

generating a separate unique identifier for each of the sub-requests (see

col. 8, lines 55-65)

storing the unique identifiers being assigned to the sub-requests, in a

retrievable medium (see col. 8, lines 55-65)

sending the sub-requests with the unique identifiers to partner systems

(see col. 9, lines 19-36)

receiving back sub-responses at the central data processing system, said

sub-responses having unique identifiers in association with the unique

identifiers of the request (see col. 9, lines 58-67; col. 10, lines 1-22)

generating a response based on association of the sub-responses with the

original item (see col. 10, lines 39-49)

sending the response back to the customer data processing system. (see

col. 10, lines 50-53)

wherein said sending of the sub-requests to partner systems further

comprises at least one of: sending a sub-request for a partner search or a

partner availability check at item level or: determining at least one

business system or an availability check for this system at item level. (see

col. 9, lines 24-28; col. 9 lines 51-55)

wherein performing of the partner search is done with the use of functions.

(see col. 4, lines 53-57)

wherein the functions comprise standard functions, as well as functions of

customers and partners. (see col. 4, lines 35-44; col. 6, lines 65-67)

wherein the request comprises a plurality of items, the method comprising:

performing b) to g) for each item. (see col. 9, lines 24-67; col. 10 lines 1-

45)

wherein the request comprising the plurality of items is processed in a

looping mode. (see col. 9, lines 1-10)

wherein the request for the at least one item has a structure of an order-

like document that comprises: a header section, at least one item, at least

one schedule line per item comprising information regarding requested by

the customer a delivery date and a quantity (see col. 5, lines 15-53)

wherein b) includes criteria defined by the customer (see col. 6, lines 66-67; col. 7, lines 1-3)

wherein asynchronous communication means are used and the sub-responses are aggregated in the database until all sub-responses have been received. (see col. 9, lines 58-67; col. 10, lines 1-45)

means for receiving the request for at least one item at a central data processing system (see col. 6, lines 66-67; col. 7, lines 1-3)

means for generating a plurality of sub-requests for plurality of partners where each sub-request is assigned to an internal or external system by means of the rules (see col. 7, lines 63-67, col. 9, lines 37-50)

means for generating a separate unique identifier for each of the sub-requests (see col. 8, lines 55-65)

means for storing the unique identifiers being assigned to the sub-requests, in a retrievable medium (see col. 8, lines 55-65)

means for sending the sub-requests with the unique identifiers to partner systems (see col. 9, lines 19-36)

means for receiving back sub-responses at the central data processing system, said sub-responses having unique identifiers in association with

the unique identifiers of the request (see col. 9, lines 58-67; col. 10, lines 1-22)

means for generating a response based on association of the sub-responses with the original item (see col. 10, lines 39-49)

means for sending the response back to the customer data processing system. (see col. 10, lines 50-53)

wherein a central data processing system further comprises interfaces for communication between a sales system, the purchasing system, the manufacturing system, the planning system and other internal or external systems. (see col. 3, lines 9-18)

further comprising asynchronous communication means to use database tables for storage of the sub-responses. (see col. 9, lines 61-67; col. 10, lines 1-3)

wherein the means of generating a response based on association of the sub-responses with the original item and sending the response back to the customer data processing system, in case of the asynchronous communication, are applied only when all the requested sub-responses are collected in the database. (see col. 10, lines 4-22, lines 40-49)

wherein the asynchronous communication means are to execute a query to determine if all necessary sub-responses have been collected (see col. 10, lines 4-9)

receive a request for at least one item at a central data processing system (see col. 6, lines 66-67; col. 7, lines 1- 3)

generate a plurality of sub-requests for plurality of partners where each sub-request is assigned to an internal or external system by means of rules (see col. 7, lines 63-67, col. 9, lines 37-50)

generate a separate unique identifier for each of the sub-requests (see col. 8, lines 55-65)

store the unique identifiers being assigned to the sub-requests, in a retrievable medium (see col. 8, lines 55-65)

send the sub-requests with the unique identifiers to partner systems (see col. 9, lines 19-36)

receive back sub-responses at the central data processing system, said sub-responses having unique identifiers in association with the unique identifiers of the request (see col. 9, lines 58-67; col. 10, lines 1-22)

generate a response based on association of the sub-responses with the original item (see col. 10, lines 39-49)

send the response back to the customer data processing system. (see col.

10, lines 50-53)

Referring to **claim 17**, the examiner notes the phrase "only when all the

requested sub-responses are colleted in the database", does not move to distinguish

the claimed invention from the reference (Sudama). This phrase is a conditional

limitation. The noted "if" step is not necessarily performed. Accordingly, once the

positively recited step is satisfied, the method as a whole is satisfied -- regardless of

whether or not other steps are conditionally invocable under certain other hypothetical

scenarios.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.

4.   Considering objective evidence present in the application indicating obviousness or
       nonobviousness.

12.   **Claims 5 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sudama (US 5555375) as applied to **claims 1 and 2** above, and further in view of US

20020133381 (Tso).

13.   Referring to **claims 5 and 6**, Sudama discloses a system and method, as applied

above in the rejection of claim 1 under 35 U.S.C 102(b), for a customer request

comprising:

> receiving a request for at least one item at a central data processing
>
> system (see col. 6, lines 66-67; col. 7, lines 1- 3)
>
> generating a plurality of sub-requests for a plurality of partner systems
>
> where each sub-request is assigned to an internal or external system by
>
> means of rules (see col. 7, lines 63-67, col. 9, lines 37-50)
>
> generating a separate unique identifier for each of the sub-requests (see
>
> col. 8, lines 55-65)
>
> storing the unique identifiers being assigned to the sub-requests, in a
>
> retrievable medium (see col. 8, lines 55-65)
>
> sending the sub-requests with the unique identifiers to partner systems
>
> (see col. 9, lines 19-36)

receiving back sub-responses at the central data processing system, said

sub-responses having unique identifiers in association with the unique

identifiers of the request (see col. 9, lines 58-67; col. 10, lines 1-22)

generating a response based on association of the sub-responses with the

original item (see col. 10, lines 39-49)

sending the response back to the customer data processing system. (see

col. 10, lines 50-53)

But Sudama does not explicitly disclose the limitations,

wherein the partner system which received the request for availability

check temporarily reserves a requested resource that has been identified

as available.

wherein the partner system deletes the reservation for the requested

resources unless the central data processing system sends a message if

no acceptance is received from the customer within the predetermined

time interval.

However, Tso discloses a system that teaches the limitations,

wherein the partner system which received the request for availability

check temporarily reserves a requested resource that has been identified

as available. (see paragraph 0068)

wherein the partner system deletes the reservation for the requested

resources unless the central data processing system sends a message if

no acceptance is received from the customer within the predetermined

time interval. (see paragraph 0068)

Therefore, it would have been obvious to one of ordinary skill in the art, at the

time of the invention, to have modified the system of Sudama to have included the

limitations: wherein the partner system which received the request for availability check

temporarily reserves a requested resource that has been identified as available and

wherein the partner system deletes the reservation for the requested resources unless

the central data processing system sends a message if no acceptance is received from

the customer within the predetermined time interval, in accordance with the teachings of

Tso, in order to have improved the capability of the system, since so doing could be

performed readily and easily by any person of ordinary skill in the art, with neither undue

experimentation, nor risk of unexpected results.

14.   **Claims 11 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sudama (US 5555375) as applied to **claim 1** above, and further in view of US

7350212 (Lambert et al – hereinafter referred to as Lambert).

15.   Referring to **claims 11 and 12**, Sudama discloses a method and system, as applied above in the rejection of **claim 1** under 35 U.S.C 102(b), for a customer request comprising:

>   receiving a request for at least one item at a central data processing system (see col. 6, lines 66-67; col. 7, lines 1- 3)

>   generating a plurality of sub-requests for a plurality of partner systems where each sub-request is assigned to an internal or external system by means of rules (see col. 7, lines 63-67, col. 9, lines 37-50)

>   generating a separate unique identifier for each of the sub-requests (see col. 8, lines 55-65)

>   storing the unique identifiers being assigned to the sub-requests, in a retrievable medium (see col. 8, lines 55-65)

>   sending the sub-requests with the unique identifiers to partner systems (see col. 9, lines 19-36)

>   receiving back sub-responses at the central data processing system, said sub-responses having unique identifiers in association with the unique identifiers of the request (see col. 9, lines 58-67; col. 10, lines 1-22)

>   generating a response based on association of the sub-responses with the original item (see col. 10, lines 39-49)

>   sending the response back to the customer data processing system. (see col. 10, lines 50-53)

But Sudama does not explicitly disclose a method and system comprising:

the following operations conducted prior to h): comparing at least one sub-response to the preferred choice specified by a customer; selecting a preferred choice from the group consisting of the at least one sub-response.

wherein the act of selecting the preferred choice is based on the customer's preferences.

However, Lambert discloses a system comprising:

the following operations conducted prior to h): comparing at least one sub-response to the preferred choice specified by a customer; selecting a preferred choice from the group consisting of the at least one sub-response (see col. 3, lines 58-67)

wherein the act of selecting the preferred choice is based on the customer's preferences. (see col. 3, lines 58-67)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Sudama to have included the

limitations: the following operations conducted prior to h): comparing at least one sub-response to the preferred choice specified by a customer; selecting a preferred choice from the group consisting of the at least one sub-response and wherein the act of selecting the preferred choice is based on the customer's preferences, in accordance with the teachings of Lambert, in order to have improved the capability of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

16.   **Claims 20-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sudama (US 5555375).

17.   Referring to **claims 20 and 25**, Sudama discloses a system and method for processing a request comprising:

means for splitting the request into a set of sub-requests, (see col. 7, lines 63-67; col. 9, lines 37-50)

asynchronous communication means being adapted to send the sub-requests in parallel to the partner computer systems, store respective sub-responses of the partner computer systems in a database on a non-volatile storage device, means for combining the sub-responses to generate a response to the request, means for sending the response. (see col. 8, lines 29-67; col. 9, lines 1-67; col. 10, lines 1-53)

splitting the request into a set of sub-requests, (see col. 7, lines 63-67; col. 9, lines 37-50)

if the asynchronous communication mode has been selected: sending a plurality of the sub-requests in parallel to partner computer systems, storing respective sub-responses of the partner computer systems in a database on a non-volatile storage device, (see col. 8, lines 29-67; col. 9, lines 1-67; col. 10, lines 1-53)

combining the sub-responses to generate a response to the request, (see col. 10, lines 40-49)

sending the response to the requestor. (see col. 10, lines 50-53)

But Sudama does not explicitly disclose the limitations,

means for selecting an asynchronous or a synchronous communication mode for communication with partner computer systems,

synchronous communication means being adapted to send a first one of the sub-requests of the set of sub-requests to one of the partner computer systems, wait for the respective sub-response from the one of the partner computer systems and send a second one of the sub-requests of the set of sub-requests to one of the partner computer systems after the sub-response has been received, wherein the sub-responses are stored in a random access memory,

selecting an asynchronous or synchronous communication mode for

communication with partner computer systems,

if the synchronous communication mode has been selected: sending a

first one of the sub-requests of the set to one of the partner computer

systems, waiting for the respective sub-response from the one of the

partner computer systems, sending a second one of the sub-requests of

the set to a second one of the partner computer systems after the sub-

response from the first one of the partner computer systems has been

received, wherein the sub-responses are stored in a random access

memory,

However, synchronous and asynchronous communications are two

means/modes of network communications that are both well-known to those of ordinary

skill in the art, and official notice to that effect is hereby taken.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention, to have adapted the system of Sudama to have included the

limitations: means for selecting an asynchronous or a synchronous communication

mode for communication with partner computer systems and synchronous

communication means being adapted to send a first one of the sub-requests of the set

of sub-requests to one of the partner computer systems, wait for the respective sub-

response from the one of the partner computer systems and send a second one of the
sub-requests of the set of sub-requests to one of the partner computer systems after the
sub-response has been received, wherein the sub-responses are stored in a random
access memory, since synchronous or asynchronous is considered to be merely a
substitute of art-recognized equivalents, since so doing could be performed readily and
easily by any person of ordinary skill in the art, with neither undue experimentation, nor
risk of unexpected results.

18.   Referring to **claims 21, 22 and 26**, the examiners interpret the set of rules to be
contained in the commands/functions of the requests submitted by the user as
disclosed by Sudama. (see col. 2, lines 37-54)

19.   Referring to **claims 23, 24, 27 and 28**, Sudama discloses a system and method
for request processing;

        wherein the asynchronous communication means is to check the

        database for completeness for each incoming sub-response. (see col. 9,

        lines 58-67; col. 10, lines 1-3)

        wherein the asynchronous communication means is to perform the check

        of the database by performing a database query using the sub-request

        and sub-response identifiers as keys. (see col. 10, lines 4-31)

further comprising checking the asynchronous communication mode,

checking the database for completeness with each incoming sub-

response. (see col. 9, lines 58-67; col. 10, lines 1-3)

wherein a database query is performed for each incoming sub-response,

in order to determine whether all sub-responses for the request have been

received. (see col. 10, lines 4-31)

Conclusion

20.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

21.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to OLUSEGUN GOYEA whose telephone number is

(571)270-5402. The examiner can normally be reached on Monday through Thursday,

8:00am to 5:00pm (ET).

22.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jerry O'Connor can be reached on (571)272-6787. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

23.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. G./
Examiner, Art Unit 4176
05/15/2008

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 4176